

## HOUSE BILL NO. 577

INTRODUCED BY MCALPIN

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO THE OFFICE OF RESTORATIVE JUSTICE IN THE DEPARTMENT OF JUSTICE TO BE USED FOR COSTS FOR SEXUAL ASSAULT FORENSIC EXAMS FOR SEXUAL ASSAULT VICTIMS; AMENDING SECTIONS 2-15-2014 AND 46-15-411, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Appropriation.** There is appropriated \$61,000 from the general fund to the department of justice for the office of restorative justice to be used to cover the costs of providing sexual assault forensic exams for sexual assault victims as provided in 46-15-411. This is a biennial appropriation.

**Section 2.** Section 2-15-2014, MCA, is amended to read:

**"2-15-2014. Restorative justice fund created -- source of funding -- use of fund.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the restorative justice fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money from a state or local agency for the purposes of 2-15-2013; ~~and~~

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of 2-15-2013; and

(d) money received by the department of justice for the purpose of administering 46-15-411(2).

(3) ~~The~~ Except as provided in subsection (2)(d), the fund may be used only to provide grants for restorative justice programs as provided in 2-15-2013 to community-based, including faith-based, organizations."

**Section 3.** Section 46-15-411, MCA, is amended to read:

**"46-15-411. Payment for medical evidence -- alleged sexual offenses.** (1) The local law enforcement agency within whose jurisdiction an alleged incident of sexual intercourse without consent, sexual assault, or incest occurs shall pay for the medical examination of a victim of the alleged offense when the examination is directed by the agency or when evidence obtained by the examination is used for the investigation, prosecution,

1 or resolution of an offense.

2 (2) (a) The office of restorative justice in the department of justice shall, AS LONG AS FUNDS ARE AVAILABLE  
3 FROM AN APPROPRIATION MADE FOR THIS PURPOSE, pay for the medical examination of a victim of an alleged  
4 incident of sexual intercourse without consent, sexual assault, or incest if the cost is not the responsibility of a  
5 local law enforcement agency under subsection (1).

6 (b) In administering the provisions of subsection (2)(a), the office of restorative justice shall:

7 (i) identify priorities for funding services, activities, and criteria for the receipt of program funds;

8 (ii) monitor the expenditure of funds by organizations receiving funds under this section;

9 (iii) evaluate the effectiveness of services and activities under this section; and

10 (iv) adopt rules necessary to implement this subsection (2).

11 ~~(2)~~(3) This section does not require a law enforcement agency or the state to pay any costs of treatment  
12 for injuries resulting from the alleged offense."  
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14 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2005.

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